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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Lehman Brothers Holdings, Inc.,

Debtor

**MOTION FOR
RELIEF FROM
AUTOMATIC STAY**

Chapter 11
Case No. 08-13555-jmp
HON. JAMES M. PECK

Wells Fargo Bank, N.A., d/b/a America's Servicing company as Servicer for U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, Series 2005-HE3 (hereinafter "The Trust"), moves the above-entitled Court for an Order granting relief from the automatic stay pursuant to 11 U.S.C. §362(d)(1) to permit it to proceed with an action to foreclose its mortgage on certain real property upon which the debtor holds a subordinate mortgage. The property is more particularly described in a copy of a mortgage annexed hereto and made a part hereof as Exhibit "A." As grounds for said Motion, it is hereby alleged as follows:

1. On June 15, 2005, Rick Kealoha Pa, Jr., (hereinafter "borrower") borrowed \$432,000.00 from BNC Mortgage, Inc. The indebtedness was evidenced by a note, which was secured by a mortgage on the aforesaid real property. See attached Exhibit "A," which is incorporated by reference. The mortgage was held by Mortgage Electronic Registration

Systems, Inc. (hereinafter "MERS") as nominee for BNC Mortgage, Inc. Said mortgage was later assigned to The Trust.

2. A subordinate mortgage is held by Mortgage Electronic Registration Systems, Inc. as nominee for BNC Mortgage, Inc. Upon information and belief, BNC Mortgage, Inc. is a division of Lehman Brothers Holding, Inc.

3. Debtor filed a petition for relief under Chapter 11 of the United States Bankruptcy Code in this Court on September 15, 2008.

4. According to the affidavit of Charles Higgins, a vice president of loan documentation with The Trust, the borrower is in default under the terms of the note and mortgage held by The Trust. A copy of said bank affidavit is annexed hereto and made a part hereof as Exhibit "B".

5. In order to proceed with a foreclosure action, The Trust must name all subordinate lien holders, including the Debtor, in its foreclosure action.

6. By reason of the bankruptcy filing by the Debtor, the Trust is stayed from proceeding with its foreclosure action against the borrowers.

7. By reason of the foregoing, The Trust, its successors and/or assigns should be permitted to take all necessary action to adequately protect its security interest.

8. It is requested that in the event that an Order Granting Relief from the Automatic Stay is granted, it is requested that such Order shall survive any conversion.

9. No previous application has been made for the relief requested herein.

WHEREFORE, The Trust requests that this Court enter an Order granting The Trust, its successors and/or assigns relief from the automatic stay and such other and further relief as the Court may deem just and proper.

Dated: August 1, 2011

SCHILLER & KNAPP, LLP

By: /s/ William B. Schiller
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